

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

INTELLECTUAL PROPERTY LAW

8110 GATEHOUSE ROAD

SUITE 100 EAST

FALLS CHURCH, VA 22042-1248

USA

(703) 205-8000

FAX: (703) 205-8050

(703) 698-8590 (G IV)

e-mail: [mailroom@bskb.com](mailto:mailroom@bskb.com)

web: <http://www.bskb.com>

CALIFORNIA OFFICES:

COSTA MESA, CALIFORNIA  
LOS ANGELES, CALIFORNIA

SCOTT L. LOWE

PAUL C. LEWIS

RICHARD GALLAGHER

MARYANNE ARMSTRONG, PH.D.

KECIA J. REYNOLDS

KALPANA REDDY

ESTHER H. CHONG

CATHERINE M. VOISINET\*

EUGENE T. PEREZ

CAROLYN T. BAUMGARDNER\*

MARTIN R. GEISSLER\*

J. ALISON GRABELL\*

T. BENJAMIN SCHROEDER, PH.D.

PERCY L. SQUARE

HYUNG N. SOHN

CLINT A. GARDINE

CRAIG A. MCROBBIE

WILLIAM F. NIXON\*

DANIEL K. DORSEY

MATTHEW T. SHANLEY

REG. PATENT AGENTS:

FREDERICK R. HANDREN

MAKI HATSUMI

GARTH M. DAHLEN, PH.D.

ROBERT E. GOOZNER, PH.D.

KRISTI L. RUPERT, PH.D.

SUSAN W. GORMAN, PH.D.

ROBERT W. DOWNS

CHAD J. BILLINGS

CHRISTINE V. CASTILLO

CARL T. THOMSEN

SAM BHATTACHARYA

BRADLEY C. FACH

TERRELL C. BIRCH

RAYMOND C. STEWART

JOSEPH A. KOLASCH

JAMES M. SLATTERY

MICHAEL K. MUTTER

CHARLES GORENSTEIN

GERALD M. MURPHY, JR.

LEONARD R. SVENSSON

ANDREW D. MEIKLE

MARC S. WEINER

JOE MCKINNEY MUNCY

ROBERT J. KENNEY

JOHN W. BAILEY

MARK J. NUEL, Ph.D.

JAMES T. ELLER, JR.

D. RICHARD ANDERSON

THOMAS M. SMALL\*

ROBERT A. SELDON\*

JOHN A. SCILLIERI\*

SANFORD ASTOR\*

OF COUNSEL:

HERBERT M. BIRCH (1905-1996)

BERNARD L. SWEENEY\*

ELLIOT A. GOLDBERG\*

WILLIAM L. GATES\*

EDWARD H. VALANCE

RUPERT J. BRADY (RET.)\*

F. PRINCE BUTLER

FRED S. WHISENHUNT (RET.)

JAMES W. HELLWEGE

QUENTIN R. "RICK" CORRIE

ROBERT F. GNUSE

DAVID R. MURPHY

ROBERT M. ASHEN

MICHAEL R. CAMMARATA

\*ADMITTED TO A BAR OTHER THAN VA.

Date: July 1, 2003

Docket No.: 2611-0192P

## MS PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s): SHIMOMURA, Kenkichi; SUGIHARA, Takashi;  
MIZUOCHI, Takashi

For: OPTICAL TRANSMITTER

Enclosed are:

- ☒ A specification consisting of EIGHTEEN (18) pages
- ☒ EIGHT (8) sheet(s) formal drawings
- ☒ An assignment of the invention
- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27
- ☐ Applicant does not claim priority
- ☒ Applicant claims the right of priority under 35 U.S.C. § 119 based on Application No(s). 2002-298727 filed in JAPAN on October 11, 2002.
  - ☒ Certified copy(ies) is(are) attached hereto.
  - ☐ Certified copy(ies) will follow.

☒ Amend the specification by inserting before the first line thereof the following:

a. ☒ --This nonprovisional application claims priority under 35 U.S.C. § 119(a) on Patent Application No(s). 2002-298727 filed in JAPAN on October 11, 2002, which is(are) herein incorporated by reference.--

b. ☐ --This nonprovisional application claims priority under 35 U.S.C. § 119(e) on U.S. Provisional Application No(s). filed on , which is(are) herein incorporated by reference.--

☒ Executed Declaration (☒ Original ☐ Photocopy)

☐ Application Data Sheet in accordance with 37 C.F.R. § 1.76

☐ Preliminary Amendment

☒ Information Disclosure Statement, PTO-1449 and reference(s)

☐ Other:

☐ Applicant requests early publication - \$300.00 publication fee

☐ Non-publication Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i)

The filing fee has been calculated as shown below:

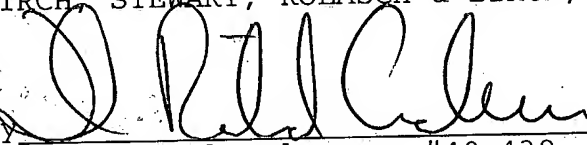
			LARGE ENTITY	SMALL ENTITY
	BASIC FEE		\$750.00	\$375.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	10- 20 =	0	X 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	2- 3 =	0	x 84 = \$0.00	x 42 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00	+ \$140.00
TOTAL			\$750.00	\$0.00

- ☒ A check in the amount of \$790.00 to cover the filing fee and recording fee (if applicable) is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.
- ☒ Please send correspondence to:  
BIRCH, STEWART, KOLASCH & BIRCH, LLP or Customer No. 002292  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

BY   
D. Richard Anderson, #40,439

DRA/sll  
2611-0192P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)

(Rev. 04/29/03)